UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION Plaintiff, v. JAMES TAMBONE and ROBERT HUSSEY, Defendants.	)	CIVIL ACTION NO. 06-10885-NMG

DEFENDANT ROBERT HUSSEY'S MOTION TO DISMISS THE COMPLAINT

Defendant Robert Hussey hereby moves the honorable Court to dismiss with prejudice the Complaint in the above-captioned action pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, on the grounds that the Complaint (1) fails to state a claim upon which relief can be granted, and (2) fails to plead allegations of fraud with sufficient particularity.

In support of this Motion, Mr. Hussey submits the accompanying Memorandum of Law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendant Robert Hussey believes that oral argument may assist the Court in resolving this Motion and hereby requests oral argument.

Respectfully submitted,

ROBERT HUSSEY,

By his attorneys,

/s/ Frank A. Libby, Jr.

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Dated: July 14, 2006

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Frank A. Libby, Jr., hereby certify that my colleague, John Commisso, has conferred with counsel for Plaintiff and attempted in good faith to resolve or narrow the issues presented in this Motion.

/s/ Frank A. Libby, Jr.

CERTIFICATE OF SERVICE

I, Frank A. Libby, certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent by regular mail on July 14, 2006 to those, if any, indicated as non-registered participants.

/s/ Frank A. Libby, Jr.